

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 83-17 AS AMENDED

Council President Hardwicke at the
request of the County Executive

Introduced by _____

Legislative Day No. 83-10 Date April 5, 1983

AN EMERGENCY ACT to repeal and re-enact with amendments Sections 9-18 and 9-18.1, of Article II, heading, Waste Disposal Sites Generally, of Chapter 9, heading, Environmental Controls, of the Harford County Code, as amended; to provide for the elimination of commercial and residential solid waste disposal fees, surcharges, and taxes; to generally repeal fees concerning landfill use in Harford County; to provide for solid waste disposal fees for trash originating outside of Harford County; to provide for civil and criminal penalties for the violation of this article; and generally relating to solid waste disposal fees in Harford County, Maryland.

By the Council, April 5, 1983

Introduced, read first time, ordered posted and public hearing scheduled

on: May 3, 1983

at: 6:30 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on May 3, 1983 and concluded on May 3, 1983.

Angela Markowski, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

1 Section 1. *Be It Enacted By The County Council of Harford County,*
2 *Maryland,* that Sections 9-18 and 9-18.1 of Article II, heading,
3 Waste Disposal Sites Generally, of Chapter 9, heading, Environ-
4 mental Controls, of the Harford County Code, as amended, be, and
5 it is hereby repealed and re-enacted with amendments, all to read
6 as follows:

7 Article II. Waste Disposal Sites Generally.

8 Chapter 9. Environmental Controls.

9 Section 9-18. [Solid Waste Disposal Fees; Residential Refuse
10 Disposal Tax; Surcharges.] OUT-OF-COUNTY SOLID WASTE.

11 [(a) Any solid waste, other than residential refuse, col-
12 lected in Harford County for deposit in any disposal facility or
13 resource recovery facility operated by or under contract for or on
14 behalf of Harford County and located within Harford County, shall
15 be accepted by the County upon payment of a disposal fee of Ten
16 Dollars (\$10.00) per ton, as determined by vehicle weight or
17 vehicle type and capacity, provided that surcharges may be imposed
18 on certain classes of solid waste requiring special handling in
19 addition to the disposal fee. Solid waste generated upon any
20 military reservation located within Harford County shall be
21 subject to the provisions of this subsection.

22 (b) An annual residential refuse disposal tax of fifteen
23 dollars (\$15.00) per dwelling unit shall be levied against all
24 properties improved for residential occupancy. An annual disposal
25 tax of Five Dollars (\$5.00) shall be levied against all unimproved
26 parcels of real property. Such taxes shall be levied and col-
27 lected from the owner of the real property in the same manner as
28 County real property taxes and shall have the same priority, bear
29 the same interest and penalties, and in every respect be treated
30 as County real property taxes.

31 (c) Any residential refuse collected in Harford County for
32 deposit in any disposal facility or resource recovery facility

1 operated by or under contract for or on behalf of Harford County
2 and located within Harford County shall be accepted by the County
3 without payment of the disposal fee, provided that surcharges may
4 be imposed upon certain classes of solid waste requiring special
5 handling.

6 (d)] (a) Any solid waste, extracted outside the County or
7 originating outside the County, for deposit in any disposal
8 facility or resource recovery facility operated by or under
9 contract for or on behalf of Harford County and located within
10 Harford County shall be accepted upon payment of a disposal fee
11 of [Eighteen Dollars (\$18.00)] TWENTY DOLLARS (\$20.00) per ton, as
12 determined by vehicle weight or vehicle type and capacity, pro-
13 vided that surcharges may be imposed on certain classes of solid
14 waste requiring special handling in addition to the disposal fee.

15 [(e) The Director of Public Works may impose the residential
16 refuse disposal tax, its equivalent or multiple thereof, in lieu
17 of the disposal fee, on any nonresidential properties which are
18 routinely serviced as part of a residential collection route. The
19 identification of these properties and establishment of charges
20 shall be accomplished by the Director of Public Works pursuant to
21 rules and regulations promulgated hereunder.

22 (f)] (b) To facilitate the [collection of the fees and
23 taxes authorized under] ENFORCEMENT OF THE REQUIREMENTS OF this
24 chapter, the Director of Public Works is hereby authorized to
25 request routing maps, clientele lists, days of collection, truck
26 assignments, and other pertinent information from users of facil-
27 ities operated by or for the County. Every user is required to
28 supply this information upon request, regardless of the type of
29 vehicle being used to haul the waste matter, and regardless of
30 whether the collection is from private or commercial sources.

31 [(g) Waste disposed of in violation of Section 9-6(i)(1)
32 shall be subject to the disposal fee of Ten Dollars (\$10.00) per

1 ton for the entire load. Waste disposed of in violation of
2 Section 9-6(i)(2) shall be subject to the disposal fee of Eighteen
3 Dollars (\$18.00) per ton for the entire load.

4 (h) The owners of apartments, condominiums, cooperatives, or
5 similar dwelling units, whose residential refuse is routinely
6 collected as part of a nonresidential collection route and is,
7 therefore, subject to the disposal fee, shall, upon approval of
8 the Director of Public Works, be granted a credit against the
9 residential refuse disposal tax for charges incurred as a result
10 of the disposal fee. The Director shall promulgate rules and
11 regulations establishing the procedure whereby the owner may
12 petition for the residential refuse disposal tax credit established
13 herein. The rules and regulations promulgated hereby shall assure
14 to the extent practicable that no residential refuse shall be
15 subjected to payment of both the disposal fee and the residential
16 refuse disposal tax.

17 (i)] (c) The Department of Public Works shall promulgate
18 rules and regulations to implement the provisions of this Chapter.
19 [Section 9-18.1. Exemptions.

20 (a) The property of a nonprofit housing corporation exempt
21 from income taxes pursuant to Section 501(c)(4) of the Internal
22 Revenue Code, and having a "payment in lieu of tax" status pur-
23 suant to state law, shall be exempt from the residential refuse
24 disposal tax established in Section 9-18(b). In lieu of the tax,
25 a nonprofit housing corporation shall make a flat rate payment to
26 the County of \$7.50 per unit owned. The flat rate payment estab-
27 lished herein shall be applied to any residential refuse disposal
28 tax billed since July 1, 1982.]

29 SECTION 9-18.1. PENALTIES.

30 ~~(a)--SOLID-WASTE-THAT-IS-GENERATED-OUTSIDE-OF-THE-TERRITORIAL~~
31 ~~LIMITS-OF-HARFORD-COUNTY-AND-IS-DISPOSED-OF-BY-ANY-PERSON,FIRM,~~
32 ~~OR-CORPORATION-WITHOUT-THE-PAYMENT-OF-THE-APPROPRIATE-FEES-IS~~

1 HEREBY-DECLARED-A-MISDEMEANOR-AND-ANY-PERSON-FOUND-GUILTY-THEREOF
2 SHALL-BE-FINED-AN-AMOUNT-NOT-EXCEEDING-ONE-THOUSAND-DOLLARS
3 (\$1,000.00), OR-BE-IMPRISONED-FOR-A-PERIOD-NOT-EXCEEDING-SIX-(6)
4 MONTHS, OR-BOTH-FINED-AND-IMPRISONED,--EACH-TIME-SUCH-A-VIOLATION
5 OCCURS, IT-SHALL-CONSTITUTE-A-SEPARATE-OFFENSE.

6 (a) DISPOSAL OF SOLID WASTE GENERATED OUTSIDE THE TERRITORIAL
7 LIMITS OF HARFORD COUNTY IN VIOLATION OF THIS CHAPTER IS HEREBY
8 DECLARED TO BE A MISDEMEANOR. ANY PERSON, FIRM, OR CORPORATION
9 FOUND GUILTY THEREOF SHALL BE FINED AN AMOUNT NOT EXCEEDING ONE
10 THOUSAND DOLLARS (\$1,000.00), OR BE IMPRISONED FOR A PERIOD NOT
11 EXCEEDING SIX (6) MONTHS, OR BOTH FINED AND IMPRISONED. EACH
12 VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE.

13 (b) IN ADDITION TO THE PENALTIES PROVIDED FOR IN SUBSECTION
14 (a) ABOVE, THE NORMAL FEE OF TWENTY DOLLARS (\$20.00) PER TON FOR
15 OUT-OF-COUNTY SOLID WASTE SHALL BE TREBLED WHERE IT IS DETERMINED
16 BY A COURT OF APPROPRIATE JURISDICTION THAT A PERSON, FIRM, OR
17 CORPORATION HAS DEPOSITED OUT-OF-COUNTY SOLID WASTE IN HARFORD
18 COUNTY WITHOUT PAYING THE APPROPRIATE FEES. ALL SUMS OF MONEY
19 COLLECTED UNDER THIS SUBSECTION SHALL BE PAID TO THE TREASURER OF
20 HARFORD COUNTY.

21 Section 2. *And Be It Further Enacted* that this act is hereby
22 declared to be an Emergency Act, necessary for proper fiscal
23 operations of the County and shall take effect ~~on-the-date-it~~
24 ~~becomes-law~~ JULY 1, 1983.

25 EFFECTIVE: July 1, 1983

83-17
AS AMENDED

BY THE COUNCIL

Read the third time, BILL NO. 83-17 (AS AMENDED)

Passed LSD 83-16 (May 24, 1983) (with amendments)

Failed of Passage _____

By order

Angela Maslowski, Secretary

Sealed with the County Seal and presented to the County Executive
for his approval this 25th day of May, 19 83
at 3:00 o'clock P.M.

Angela Maslowski, Secretary



APPROVED:

BY THE EXECUTIVE

[Signature]
County Executive

Date 5-26-83

BY THE COUNCIL

This Bill (No. 83-17 (as amended), having been approved by
the Executive and returned to the Council, becomes law on
May 26, 1983.

Angela Maslowski, Secretary

EFFECTIVE DATE: July 1, 1983

83-17
AS AMENDED